

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**EDILBERTO GUEMBES  
HERNANDEZ,**

**Defendant.**

**8:07CR371**

## ORDER

This matter is before the court on defendant's unopposed MOTION TO EXTEND TIME FOR FILING PRETRIAL MOTIONS AND TRIAL DATE [11]. For good cause shown, I find that the motion should be granted in part. The defendant will be given an approximate 30-day extension. Pretrial Motions shall be filed by December 24, 2007.

**IT IS ORDERED:**

1. Defendant's MOTION TO EXTEND TIME FOR FILING PRETRIAL MOTIONS AND TRIAL DATE [11] is granted in part. Pretrial motions shall be filed on or before **December 24, 2007**. Trial will be set by further order of the court.
2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.
3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between November 23, 2007 and December 24, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED this 26<sup>th</sup> day of November, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**